

November 12, 2014

Via E-Mail

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (2822T)
Washington, D.C. 20460

Re: Freedom of Information Act Request

Dear Sir or Madam:

Pursuant to the Freedom of Information Act (FOIA), as amended,¹ and the U.S. Environmental Protection Agency's (EPA) rules issued thereunder,² we are requesting on behalf of Cupron, Inc. (Cupron) copies of all documents that include or relate to any written or oral communication between the Copper Development Association (CDA) or its representatives and EPA, including the Office of Pesticide Programs (OPP), Office of General Counsel (OGC), and Office of Enforcement and Compliance Assurance (OECA), regarding any product manufactured by Cupron or its affiliate EOS Surfaces, LLC. These EPA offices are identified solely to assist EPA in responding to this request. Documents responsive to this request may be maintained by other EPA offices and divisions, and any such documents expressly are included within the scope of this request. You may omit from this request any documents that were enclosed with the September 25, 2014, letter from John Hebert, Chief of Regulatory Management Branch, Antimicrobials Division, to Cupron (copy attached).

If for any reason you determine that portions of the requested information are exempt from disclosure under FOIA, please delete the allegedly exempt material, inform us of the basis for the claimed exemption, and furnish us with copies of those portions of the document that you determine not to be exempt. Cupron consents to such deletion at this time to facilitate your prompt response and in no way waives our right to appeal any determination that you may make regarding the applicability of any FOIA exemptions to the requested documents and information.

Cupron requests that you provide us with accurate copies or a complete and accurate account of the information requested. Cupron agrees to pay reasonable search and reproduction costs; if these costs exceed \$200.00, however, Cupron requests that you notify us before reproducing the documents. Cupron understands it can expect a response within 20 days of your receipt of this letter.

¹ 5 U.S.C. §§ 552, *et seq.*

² 40 C.F.R. Part 2.
{01291.001 / 111 / 00147147.DOC}



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If you have any questions about this request or require further information, please contact us at tbackstrom@lawbc.com or 202-557-3819. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, reading 'Timothy D. Backstrom', is positioned above the printed name.

Timothy D. Backstrom

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL, SAFETY
AND POLLUTION PREVENTION

SENT VIA EMAIL

SEP 25 2014

Cupron, Inc.
c/o Mathew Brooks (Agent)
Ag Chem Consulting
12208 Quinque Ln
Clifton, VA 20124

Subject: Petition to Cancel
Antimicrobial Cupron Enhanced EOS Surface
EPA Registration No. 84542-7

Dear Mr. Brooks:

On November 2, 2012, EPA received an email and letter from the Copper Development Association Inc (CDA) requesting that the Agency reconsider its decision approving the registration of Antimicrobial Cupron Enhanced EOS Surface (EPA Registration No. 84542-7). The Agency is treating CDA's submission as a petition to cancel your affected registration. Additionally, on May 28, 2013, CDA supplemented its original submission by sending the Agency a letter and a document entitled "Test Method for Determining the Efficacy of Antimicrobial Surfaces as Sanitizers."

The following documents which are enclosed with this letter comprise the full set of documents involved in this matter to date:

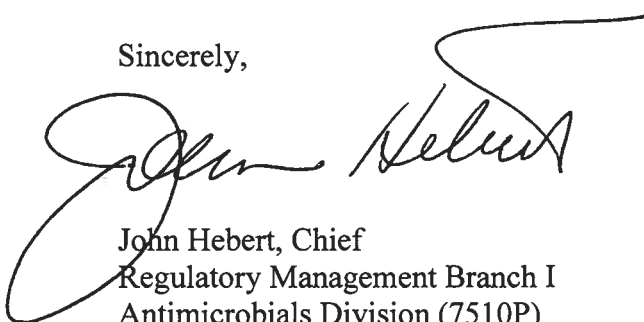
- November 2, 2012 letter from Andrew Kireta to Joan Harrigan-Farrelly;
- Emails ranging in dates from November 2, 2012 to August 9, 2013 between EPA and CDA;
- May 28, 2013 letter from Andrew Kireta to Susan Lewis and enclosure entitled "Test Method for Determining the Efficacy of Antimicrobial Surfaces as Sanitizers";
- February 14, 2014 letter from John Hebert to Andrew Kireta; and
- March 14, 2014 letter from Andrew Kireta to John Hebert.

The Agency is providing you with sixty days from your date of receipt of this letter and its attachments to provide any response to the Agency to the CDA petition (including any support documents).

We request that you provide any response to this letter and to the enclosed material in writing and that you send identical copies of any such response to both the Agency and to CDA by USPS certified mail return receipt requested. Likewise, any other type of communications which you wish to make in this matter should also be in writing and should also be served in that same fashion.

If you have any questions, please direct them to me in writing with a copy sent to CDA in the manner set forth above.

Sincerely,

A handwritten signature in black ink, appearing to read "John Hebert", with a large, stylized flourish extending from the end of the name.

John Hebert, Chief
Regulatory Management Branch I
Antimicrobials Division (7510P)

cc: Susan Lewis, Director, Antimicrobials Division
Philip J. Ross, Esquire, EPA Office of General Counsel
Andrew G. Kireta, Sr., Copper Development Association, Inc.
Joseph Green, Esquire, Kelley, Drye, and Warren, LLP

Enclosures